

Exhibit "11"

1 Q. What actions did you take on January 28,
2 1998 to locate the missing case file?

3 A. I believe I asked Ben who I believe had
4 it. And he said he was using it for research, as
5 I recall, in part of his other cases he was doing.
6 And, by the way, that's the purpose of these
7 cases. It is to have a documentary of stuff that
8 other Seniors or anyone else can use to go do
9 their research on any person or incident.

10 Q. What was your tasking with respect to
11 the first case?

12 A. What it is is we have these files called
13 NP files. And I believe that is what that was.
14 You basically collect all the information on the
15 case that was done by the Immigration Inspector,
16 the SOI in the administrative processing. And you
17 put it all together in a case file, and you number
18 it and letter it, and you put in a file cabinet
19 and a data base, and you put it in logs so they
20 can be researched.

21 Q. Do you recall what your supervisor, Mr.
22 Brehm, asked you to do by close of business on
23 January 28, 1998 concerning this case? By this
24 case, I mean the first case.

25 A. Well, I think there is no difference

EXHIBIT "11"

100834

1 between this and the other case. I think he just
2 wanted them all closed, meaning he wanted them all
3 completed. He wanted everything done that a
4 Senior would normally do to close out a case file.

5 Q. What would a Senior Immigration
6 Inspector do to close out a case file?

7 A. On the NP one, you would go and retrieve
8 all the information from the administrative
9 processing of the alien. You'd put it all in a
10 jacket. You would basically open a jacket, give
11 it a file name and number, put it all in that
12 jacket.

13 And then also you would put the
14 information in the log so it can be accessed, and
15 you put it in the AOC which is another data base
16 that contains information that can be accessed on
17 an individual.

18 Q. Were you able to close this case file on
19 January 28, 1998?

20 A. No. And the reason why is, as I said in
21 this, I didn't have it in my desk, another Senior,
22 and I believe it was Ben Bumanglag, had taken it
23 because he needed it for other research he was
24 doing, if you will, on his case files.

25 Q. Did you let your supervisor, Mr. Brehm,

100835

1 know that you were not able to complete the
2 tasking for the first case?

3 A. Yes, I did. It might have already been
4 done and put in the file cabinet or somewhere
5 else. It might have already been off my desk. I
6 don't know. In other words, it could have already
7 been done. But Kelly just never wanted it to see
8 it or review it or something.

9 Q. With respect to the second case that you
10 identify as a criminal prosecution case, why was
11 it unreasonable for your supervisor to ask you to
12 complete that case on January 28, 1998?

13 A. The reason it was unreasonable is, you
14 know, if I compare it to the parallel case that
15 Claude Fujima was doing, Kelly has a policy of not
16 allowing you to close a case out without the
17 conviction documents.

18 And Claude and I had not received our
19 conviction documents on January 28, 1998 when
20 Kelly told me he wanted it done. So by definition
21 of his policy, I couldn't complete the case
22 without conviction documents.

23 Q. Did you talk to your supervisor, Mr.
24 Brehm, about the difficulty you would have in
25 closing the case on January 28, 1998?

100836

1 A. Yes, I told him I -- I don't know about
2 difficult. I just told him I can hand you the
3 case the way it is. But the thing that's going to
4 be missing is the conviction documents. So if you
5 want to accept it like that, you can. If not, I
6 need to get the conviction documents.

7 Q. How did he respond to your comments?

8 A. He said he wanted the conviction
9 documents. And I believe he said to call Dawn or
10 someone. That was an AUSA secretary. Because she
11 mails them to us after the case is done.

12 Q. Do you recall when you received the
13 conviction documents?

14 A. Again, I would have to look at the case
15 file. I don't think I made a reference to the day
16 I did.

17 Q. Do you recall if you were able to close
18 the case file on January 28, 1998?

19 A. Kelly wouldn't accept the case without
20 conviction documents. So as far as closing it, I
21 could complete it to the -- I could complete as
22 much in the case as I could that I possibly could
23 up to that date without the conviction documents.

24 Q. Now, you indicate in your affidavit that
25 the subject of this criminal case arrived on

100837

1 December 5, 1997. I'll refer you to page 13,
2 paragraph 53. Was that the day the case was
3 assigned to you?

4 A. I believe that's true.

5 Q. And between December 5, 1997 and January
6 28, 1999 had you discussed the status of this case
7 with your supervisor, Mr. Brehm?

8 A. Oh, yes. This was a prosecution case.
9 These are the highest level cases we have in the
10 Senior unit. And this is something, you know,
11 that's discussed in depth all through the
12 processing of the prosecution with Kelly.

13 Q. Does the supervisor have the authority
14 to issue written instructions to their employees?

15 A. I don't think they don't have that
16 authority. So I would say yes.

17 Q. As a Senior Immigration Inspector what
18 are your primary duties?

19 A. My primary duty -- the primary duty of a
20 Senior Immigration Inspector and the reason the
21 position was created was for prosecutorial
22 purposes. The majority of our position
23 description, if you will the highest weight, is
24 for us to prosecute cases.

25 Basically investigate the case **100838**

1 Determine if a case might be prosecutable, conduct
2 the investigation surrounding the case. Put that
3 evidence we collect in a manner in which the U.S.
4 attorney would be able to use that for prosecution
5 and which would support the prosecution. That's
6 our primary duty.

7 Q. At the Honolulu International Airport
8 what would be your normal place of duty?

9 A. During which periods and what -- I don't
10 understand the question. Kelly assigned me
11 different tasks at different times.

12 Q. After you completed your training and
13 you were acting as the Senior Immigration
14 Inspector, where would you normally be located in
15 order to accomplish your duties?

16 A. Are you saying in general? Or are you
17 asking me specifically? Or where was I located?

18 Q. In general where would a Senior
19 Immigration Inspector be located in order to
20 perform his duties?

21 A. A Senior Inspector would be in the
22 Senior unit.

23 Q. From September 1996 through May 1998
24 where was the Senior unit located?

25 A. It was located here at the International

100839